

Clean Watersheds Needs Survey (CWNS) 2008



Clean Water State Revolving Fund Appendix


Presenter:

Stephanie vonFeck, EPA Office of Wastewater Management

Seminar Logistics / Ground Rules

If you encounter problems with WebEx, call their Help Line at 1-866-229-3239

All participants phones will be muted for this presentation.

Questions can be asked at anytime by clicking the question icon  and typing the question.

This training is being recorded.

Seminar Participants

Local/Regional Governments –

Consultants –

State Governments

- CWNS Novice -

- CWNS Experienced -

- Other State Government -

EPA

- CWNS Coordinators -


- Other -

Other Federal Government -

Seminar Overview

- 1) Change of CWNS Scope
- 2) CWSRF Appendix
- 3) CWSRF Project Eligibility
 - 1) 212
 - 2) 319
 - 3) 320
- 4) Emerging Eligibilities
- 5) CWSRF Funding for the CWNS

Questions

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Change of CWNS Scope

Change of CWNS Scope

- CWNS expanding to reflect more of the capital needs necessary to meet the goals of the CWA
- Past CWNS had been focused on CWSRF eligibility
- Section 516 of the Clean Water Act is very broad
 - Includes more than CWSRF eligible projects.

Change of CWNS Scope

- CWSRF is one financial tool for water quality
 - CWSRF is the largest Federal program for POTWs
- EPA also offers
 - 319 Nonpoint Source Grants
 - Wetland Grants
 - Targeted Watershed Grants
 - Myriad of Other Programs


Change of CWNS Scope

- US Department of Agriculture
 - Rural Utility Service funds treatment works
 - Farm Bill Program funds nonpoint source and Concentrated Animal Feeding Operations (CAFOs)
 - Largest Federal funding for agricultural nonpoint source projects.
- US Department of Housing and Urban Development
 - Community Development Block Grant funds treatment works and other water quality projects

Change of CWNS Scope

- CWSRF eligible needs will comprise a subset of total needs
- CWSRF eligible needs will go into an appendix
 - Expressed as a portion of “official needs”
- CWSRF appendix may be used in the event that the
 - CWSRF is reauthorized
 - and the reauthorization bases allotment on the CWNS

Questions

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CWSRF Appendix



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CWSRF Appendix

- States will identify the portion of each need that is CWSRF eligible
 - According to National CWSRF eligibility rules
 - Done during regular CWNS data entry
 - Expressed as a percentage of total need reported

CWSRF Appendix

- For Example
 - Facility Plan for a Category II Advanced Treatment process estimates \$10 million in total costs.
 - \$1 million of the cost is associated with land not integral to the treatment process and is therefore not CWSRF eligible.
 - State would identify 90% of this need as CWSRF eligible
 - The CWNS database will automatically migrate \$9 million to the CWSRF appendix

CWSRF Appendix

- States will certify that CWSRF eligibility has been accurately identified
 - After all data is entered
 - We envision a State manager in charge of both the CWSRF and the CWNS certifying CWSRF eligibility

CWSRF Appendix

- If states need assistance in evaluating CWSRF eligibility, they can:
 - Consult with CWSRF personnel in their State
 - Consult with National CWSRF documentation
 - Copied from EPA CWSRF Branch into the CWNS document library for easy access
 - Consult with the CWSRF Regional Coordinator who may consult with the Headquarters CWSRF Branch.

CWSRF Appendix



- Information Sources
 - This Webcast
 - Electronically searchable CWSRF CD
 - Has been added to CWNS documentation
 - “Tapping the Untapped Potential of the Clean Water State Revolving Fund” paper.
 - Draft currently under review
 - Final expected in Spring 2008
 - Will provide information on some of the latest eligibility decisions and identify emerging types of projects that could be funded

CWSRF Appendix

- Documents of particular interest are
 - CWSRF Policy Memos
 - Nonpoint Source Policy Memo 00-04 revised
 - Estuary Policy Memo 01-06
 - CWSRF Questions and Answers
 - Also search Policy Memos for subsequent updates on particular issues
 - Fact Sheets
 - Wet Weather
 - AFOs
 - Water Conservation and Reuse
 - Decentralized Systems
 - Brownfields

CWSRF Appendix



- CWSRF Training
 - 5 per year
 - For CWSRF States and EPA Regions
 - Regional and State CWNS folks are welcome
 - Remaining Training in 2007
 - Kennebunkport, ME September 18-20
 - Portland, OR October 9-10

CWSRF Appendix

- Data Verification
 - CWNS Contractor verifies CWSRF eligibility status designations by reviewing
 - All audited footnotable documents
 - A sample of non-footnotable documents
 - If the CWNS Contractor questions a State's CWSRF eligibility percentage declaration for a project, the Contractor will
 - Summarize the information
 - Send the information to the CWSRF Review Panel
 - Alert the Regional CWNS Coordinator

CWSRF Appendix

CWSRF Panel Discussion Form

To be completed by the CWNS Contractor for the
CWSRF Review Panel during the CWNS Audit

1)Describe the project in question.

2)What is the issue regarding eligibility?

**3)Why is the project considered not eligible?
(cite CWSRF reference material in the CWNS
Library, or Cite Prior CWSRF Panel ruling ID#)**

CWSRF Appendix

- CWSRF Review Panel consists of 3 members
 - Stephanie vonFeck, Headquarters EPA CWSRF Program
 - Steve Vida, Region 2 SRF Coordinator
 - Michelle Tucker, Region 10 SRF Coordinator and CWNS Coordinator

CWSRF Appendix

- CWSRF Review Panel
 - Meets on a regular basis
 - once per month if necessary
 - Reviews the information provided by the CWNS Contractor

CWSRF Appendix

- CWSRF Review Panel
 - Determines CWSRF eligibility
 - Panel communicates the final decision to
 - CWNS leaders
 - CWNS Portal
 - State and Regional CWSRF
 - CWNS Contractor
 - Issues of national significance will be elevated to Headquarters EPA management
 - If eligibility is denied, the state has an opportunity to provide more information and respond to the panel within 1 month.


CWSRF Appendix

- Contractor will complete an audit report
 - After all decisions and appeals are finalized
 - Audit will show percents that States correctly identified as CWSRF eligible for each category of need
- For Example
 - State had identified 90% or \$9 million of a Category II Advanced Treatment process as CWSRF eligible.
 - Audit questioned another \$2 million and the \$2 million was determined to be ineligible.
 - $\$7\text{million} / \$9\text{million} = 78\%$
 - The audit would state that 78% of the State identified CWSRF eligible need was determined to be CWSRF eligible.

CWSRF Appendix

- Percents for each project need will be aggregated for a total audit finding of the percentage of CWSRF needs accurately identified as eligible for each category.
- I.E. 95% of the \$1 billion Category II CWSRF Eligible needs identified by the State of Play were accurately identified
 - The Audit percentage will not adjust the dollar amount of needs in the State's CWSRF Appendix
 - The Audit percentage will accompany the State's CWSRF Appendix

Questions

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CWSRF Project Eligibility



CWSRF Project Eligibility



- The CWSRF can provide assistance for
 - Projects that meet the definition in Section 212 of the Clean Water Act
 - Must be publicly owned
 - Implementation of Sec. 319 Nonpoint Source Management Plans
 - Projects can be publicly or privately owned
 - Development and Implementation of Sec. 320 Comprehensive Conservation Management Plans for National Estuaries
 - Projects can be publicly or privately owned

CWSRF Project Eligibility - 212



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CWSRF Project Eligibility - 212

Sec 212 (1) The term “construction” means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, field testing of innovative or alternative waste water treatment processes and techniques meeting guidelines promulgated under section 304(d)(3) of the Act, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the following items.

CWSRF Project Eligibility - 212

- Sec. 212(2)(A) The term “treatment works” means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intersecting sewers, outfall sewers, sewage collection systems, pumping power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land use for the storage of treated wastewater in land treatment systems prior to land application) or is used for ultimate disposal of residues resulting from such treatment.

CWSRF Project Eligibility - 212

- Sec 212(2)(B) In addition to the definition contained in subparagraph (A) of this paragraph, “treatment works” means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems...

CWSRF Project Eligibility - 212

- Sec 212(3) The term “replacement” as used in this title means these expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

CWSRF Project Eligibility - 212

- What does all that mean?
 - The CWSRF can pay for the planning, design and building of publicly owned Sec. 212 projects
 - Capital Projects
 - Not Operation and Maintenance costs



CWSRF Project Eligibility – 212

Recent issues

- Planning and Design
 - For eligible capital projects
 - Planning is eligible if there is a reasonable expectation that it will lead to a capital project
 - TMDL development costs are not eligible
 - Subsequent planning for a POTW that results from the TMDL is eligible
 - Stormwater Program Development costs are not eligible
 - Planning for capital stormwater projects is eligible

CWSRF Project Eligibility – 212

Recent issues

- CWSRF cannot pay for land unless it is integral to the treatment process
 - Not simply land necessary to site the facility
 - Rights of way used for green infrastructure where the land is integral to the treatment process are eligible
- Systems that receive a mix of domestic and industrial flow are eligible
 - Even if the industrial flow is the majority of the flow
 - No pro-rating

Policy Memo 93-02

CWSRF Project Eligibility – 212

Recent issues

- Publicly owned collection systems
 - Including publicly owned house laterals
 - Policy memo 94-11
 - “house connections are eligible if the community owns them and has access to them via easements for maintenance and repair.”
 - House laterals addressed again in 319 section

CWSRF Project Eligibility – 212

Recent issues

- Growth
 - Eligible for CWSRF Assistance
 - Restrictions expired at the end of FY 1994
 - Sec 602(b)(6) applies certain Title II requirement
 - including 211
 - to projects constructed in whole or in part before FY 1995

CWSRF Project Eligibility – 212

Recent issues

- Power
 - POTW Power Consumption
 - Capital costs eligible such as energy efficient pumps
 - Planning such as energy audits that have a reasonable prospect of resulting in a capital project
 - Portion of capital costs of a publicly owned clean energy facility associated with POTW power consumption
 - POTW Power Production
 - Capital costs of clean energy generated by a POTW
 - Includes wind and solar power, as well as methane capture from digesters.
 - Can be located separate from the main treatment works if an asset of the POTW

CWSRF Project Eligibility – 212

Recent issues

- Water Conservation and Reuse
 - Before the POTW
 - Publicly owned projects to reduce water use
 - Water meters , plumbing fixtures or retrofits or replacement and gray water recycling in public buildings, water efficient landscape irrigation equipment at public facilities
 - Stormwater treatment and reuse
 - Ordinances, regulations, incentive programs, including development and implementation of public education programs on water conservation
 - Start up costs—not ongoing operations and maintenance costs.

CWSRF Project Eligibility – 212

Recent issues

- Water Conservation and Reuse
 - At the POTW
 - Additional treatment beyond NPDES minimum requirements
 - Additional treatment to support effluent reuse needs

CWSRF Project Eligibility – 212

Recent issues

- Water Conservation and Reuse
 - After a POTW
 - Publicly owned distribution lines to support effluent reuse/recycling
 - Including piping the effluent to the property line of a privately owned effluent consumer
 - Publicly owned equipment to reuse effluent is eligible at public facilities
- Fact Sheet EPA 816-F-03-022

CWSRF Project Eligibility – 212

Recent issues


- Stormwater
 - Publicly owned
 - Sec 212(2)(B) clearly includes stormwater projects
 - Including green infrastructure
 - Not regulatory program development not specific to the planning, design and building of an eligible capital project
 - Quantity oriented projects
 - Sec 212 includes “reducing” stormwater
 - Must have a water quality benefit

CWSRF Project Eligibility – 212

Recent issues

- Landfills
 - Sec. 507 defines landfill leachate collection systems as “point sources”
 - Water quality projects at publicly owned discharging municipal landfills that are required to have a NPDES permit are eligible
 - Leachate is considered Sec 212 “liquid municipal waste”
 - Projects include liners, leachate collection and treatment systems, monitoring wells, stormwater BMPs, caps
 - See Sec 320 for privately owned discharging landfills
 - See Sec 319 for landfills without leachate collection systems that do not require an NPDES permit

Questions

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CWSRF Project Eligibility - 319



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CWSRF Project Eligibility - 319

- Capital projects that support a component of an approved Sec 319 plan or the 9 element watershed plans required by the Sec. 319 program
 - Publicly or privately owned projects
 - Surface or Groundwater
 - Prevention or Abatement



CWSRF Project Eligibility - 319

- Only the water quality portion of a project
- If a project is specifically required by a draft or final NPDES permit, it can't be funded under the Sec. 319 authority

<http://www.epa.gov/owow/nps/319/319stateguide-revised.pdf>

- If states go further with their permitting than minimum required by the NPDES program, then focus on the minimum for eligibility determinations
 - I.e. Some states give NPDES permits to septic systems

CWSRF Project Eligibility – 319

Recent issues


- Stormwater
 - In MS4 Phase I and Phase II permitted communities, only projects not specifically required by a draft or final permit
- Source Water Protection
 - Conservation easements and fee-simple purchase
 - Trees and other vegetation
- Superfund
 - If it is a nonpoint source of pollution

CWSRF Project Eligibility – 319

Recent issues

- Septic Systems
 - Repair/replacement of failing systems
 - Not new septic systems for new development
 - Privately owned lateral for a small group of residences, if solving a nonpoint source problem
 - Septage treatment facility
 - Hauler/pumper truck
 - Set up and capital for a centralized management entity
 - Policy Memo 00-04 Revised

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CWSRF Project Eligibility - 320



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CWSRF Project Eligibility – 320

Recent Issues


- Overlap with 212 and 319
- CWNS identified the portion of 212 and 319 categories that are in the study area of the National Estuaries
- Draft CWSRF Paper “Tapping the Untapped Potential of the CWSRF” may bring more projects uniquely eligible under 320

CWSRF Project Eligibility – 320

Recent Issues

- CAFOs
 - Projects required by an NPDES permit are eligible
- Stormwater
 - Privately owned regulated stormwater projects are eligible

Questions

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Emerging Eligibilities



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Emerging Eligibilities

- Draft CWSRF Paper “Tapping the Untapped Potential of the CWSRF” includes many more.
 - Interpretation of Title VI authority
 - Eligibilities were there, just not explored
 - Includes recent eligibility decisions
 - Includes emerging water quality issues
 - Climate Change
 - Air Deposition
 - May effect CWSRF funding eligibility
 - Final Paper expected Spring 2008


CWSRF Funding for the CWNS



CWSRF Funding for the CWNS

- 4% of the CWSRF Capitalization Grants may be used to administer the CWSRF.
 - May be used for CWNS if the CWNS is used to manage the CWSRF
 - I.e. If CWNS used to develop priority list or the CWSRF Intended Use Plan
- Since the CWSRF will represent a portion of the CWNS, only the CWSRF related portion should be covered by the CWSRF 4%
- Ensures compliance with Title VI of the CWA

Questions

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Contacts & More Information

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www.epa.gov/cwns

- Includes list of state & regional coordinators
- News about CWNS 2008
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